**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1751 OF 2007

Pradeep Sharma & anr. ..Petitioners.

V/s.

Filka Co-op.Housing Soc. Ltd. & Ors. ..Respondents.

Mr.Vijay Thorat,Sr.Counsel a/w Zubir B. Kamdin & Dhiren Shah i/b. Vimla & Co. for petitioners.

Mr.P.K.Dhakephalkar, Sr.Counsel a/w. Dhananjay Shukla i.b. M.V.Pandey for Respondent No.2.

Mr.Pradeep Jadhav, AGP for Respondent No.3.

**CORAM: A.M.KHANWILKAR,J**

**DATE : NOVEMBER 21, 2007.**

**P.C. :**

1. Heard Counsel for the parties. For the nature of controversy raised in this Writ Petition in my opinion, Petitioners will be free to pursue statutory remedy of appeal, which is an efficacious remedy available to them. All issues in relation to the justness and efficacy of the order passed by the Respondent No.3 dated 25th June, 2007 will have to be addressed on its own merits in that appeal and the same be decided in accordance with the law.

2. In so far as grievance regarding mismanagement of the Society is concerned, it will be

open to the Petitioners to make representation to the appropriate authority setting out facts and grounds, as may be advised, which will be considered by the appropriate authority on its own merits.

3. As Petitioners are relegated to take recourse to remedy of statutory appeal by virtue of this Order, Counsel appearing for the private Respondent No.2 fairly submits that objection regarding appeal being barred by limitation will not be taken before the appellate authority.

4. Accordingly, this Writ Petition is being disposed of on the above terms, with liberty to the Petitioners to take recourse to the remedy of statutory appeal against impugned decision referred to in prayer clause (a) of the Petition.

5. Petitioners to file such appeal within two weeks from today. The Appeal Authority shall decide the said appeal expeditiously and in any case not later than 31st January, 2008. Parties agree to extend necessary co-operation to the Appellate authority for expeditious hearing.

6. Till the said proceedings are finally

disposed of and/ or further orders to be passed, interim arrangement already directed in terms of order dated 28th August, 2007 r/w Order dated 16th October, 2007 shall continue to operate. The parties through Counsel assure to abide by that position.

7. The Interim arrangement shall continue for a further period of two weeks from the date of intimation of the final Order to be passed by the Appellate Authority to the concerned parties, so as to enable the aggrieved party to take up the matter in appeal, as may be available in the law.

8. Petition disposed of on the above terms.

**(A.M.KHANWILKAR,J)**